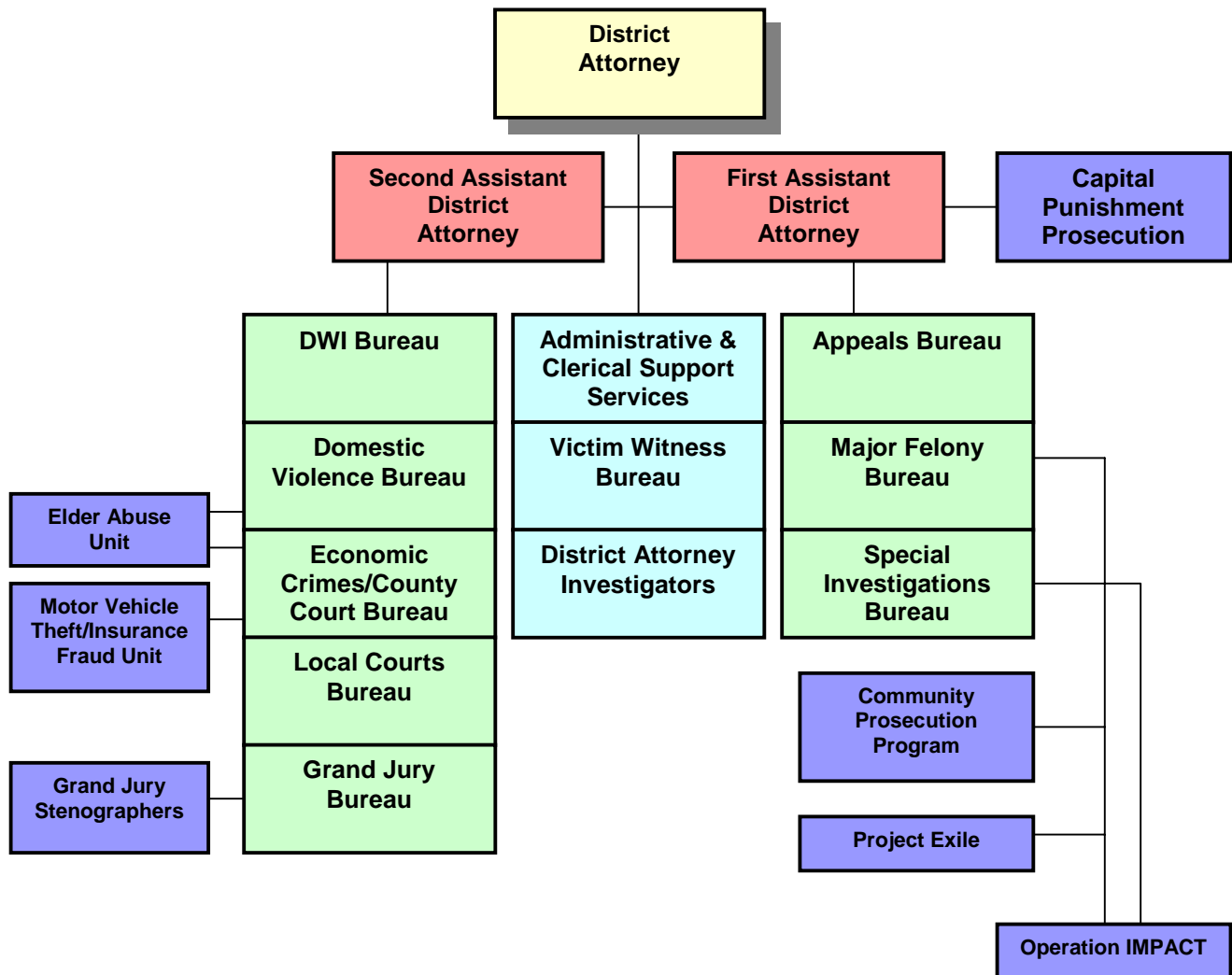
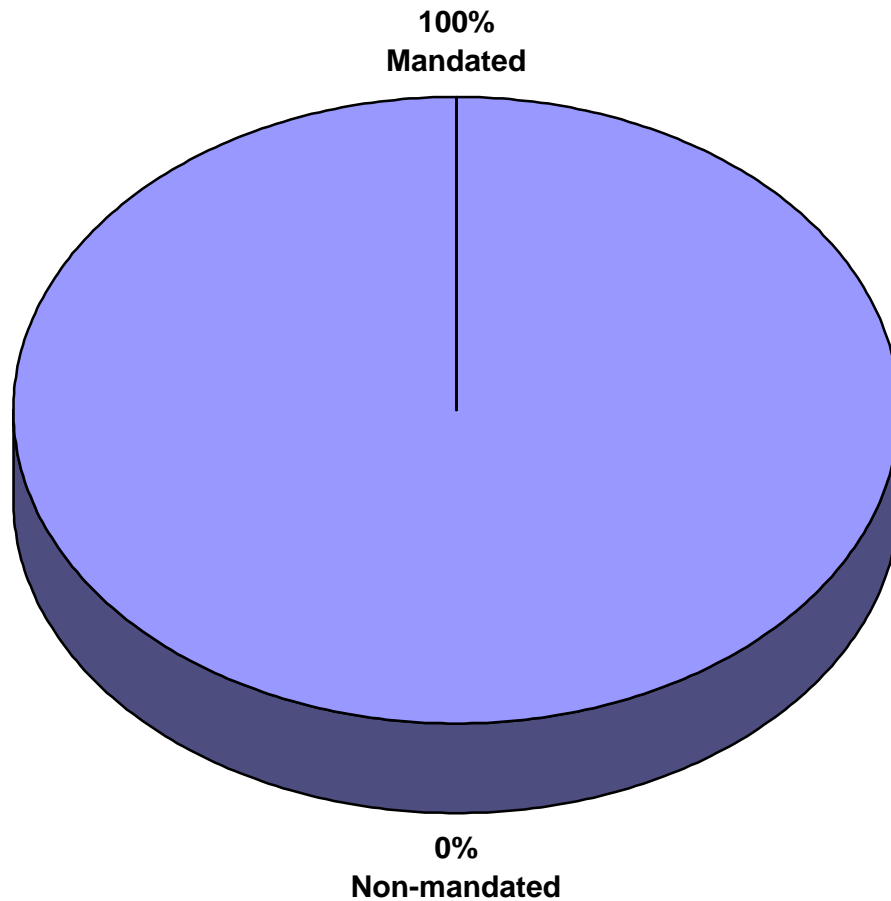


## DISTRICT ATTORNEY (025)



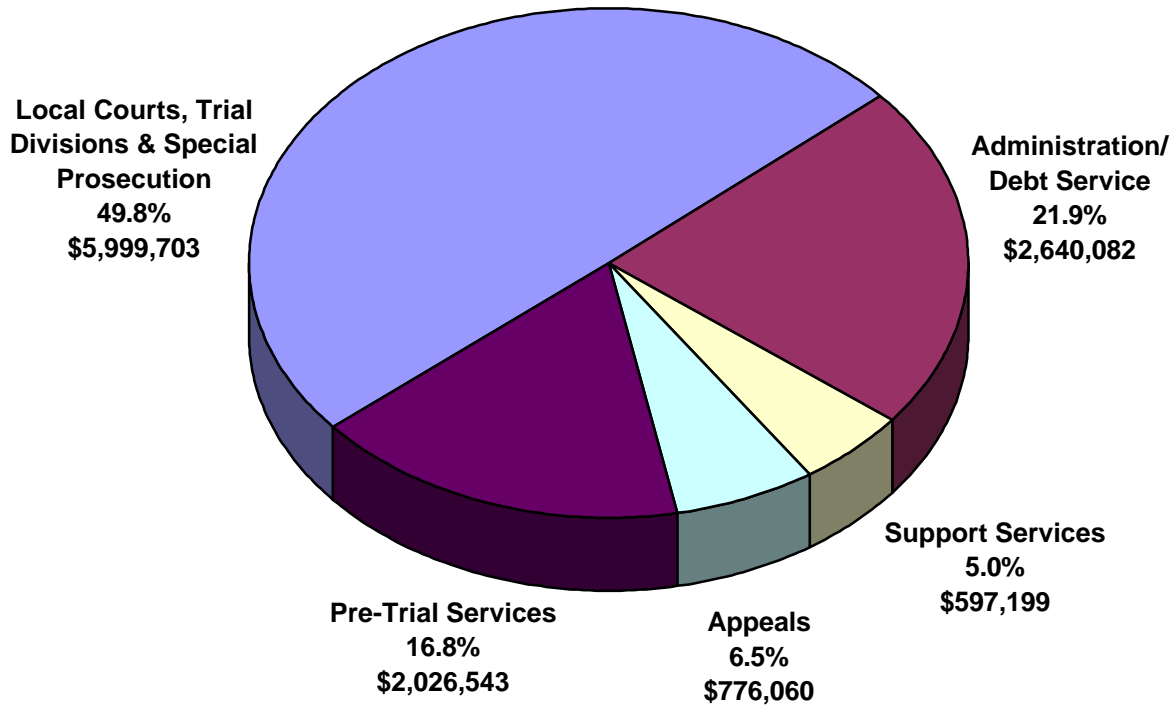
# **DISTRICT ATTORNEY 2005 MANDATED/NON-MANDATED**



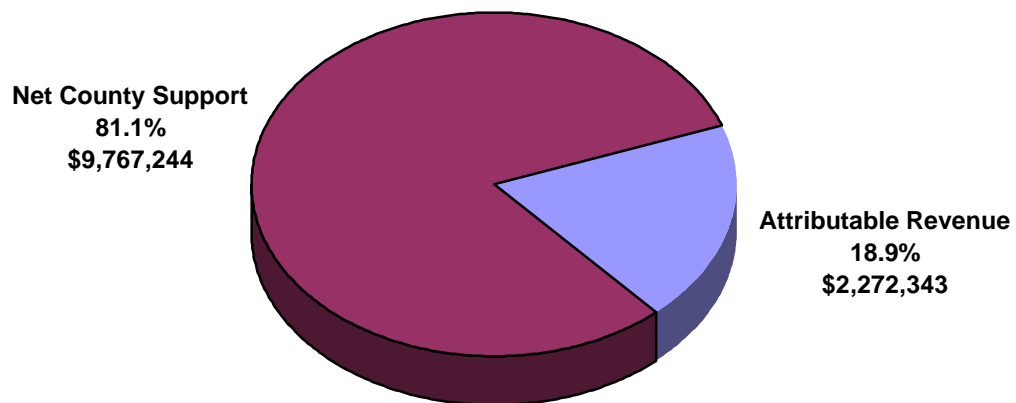
The work performed by the District Attorney's Office is mandated by state law, with the county having limited control over service levels.

# DISTRICT ATTORNEY

## 2005 Budget -\$12,039,587



## Net County Support



## **DEPARTMENT: Office of District Attorney (025)**

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### **DEPARTMENT DESCRIPTION**

The District Attorney is a constitutional officer elected to a four-year term as Chief Prosecutor for Monroe County. The office oversees the prosecution of all crimes committed in the county. The work performed by this department is mandated by state law, but the county exercises some control over service levels. The operating divisions in the department are grouped according to functional objectives reflected in the department's organization chart.

The District Attorney's Office will continue to pursue established priorities such as the delivery of specialized services to the victims and witnesses of crime and the enhancement of prosecutorial efforts in cases involving violent felonies, drug abuse and capital punishment.

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### **Mission**

With the efficient utilization of limited resources, the Monroe County District Attorney's Office provides effective prosecution services which enhance our community's respect for the rule of law and secure the appropriate disposition of cases while ensuring the rights of victims.

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### **2004 Major Accomplishments**

- Twenty-five homicide trials in 2003. 100% homicide trial conviction rate through June 30, 2004
- One hundred and fifty-one felony trials in 2003. Eighty-three felony trials through June 30, 2004
- Seventy-nine felony gun possession indictments through June 30, 2004-over three times the number of such cases indicted during the first six months of 2003
- Fifty percent increase in the number of defendants sentenced to state prison for gun offenses through June 30, 2004 over the same period in 2003
- Ninety-six percent conviction rate in cases where felony conviction sought in 2003, ninety-seven percent through June, 2004
- Over five thousand three hundred felony cases closed in 2003. Over two thousand four hundred through June 30, 2004
- Continuation of Stop Abuse in the Family Environment (S.A.F.E.) Program
- Continuation of PROJECT EXILE Gun Interdiction Program
- Continued implementation of the Federally-Funded Community Gun Prosecution Program, and secured funding for expansion of the program in 2004
- Began implementation of the Operation Impact and Ceasefire programs in conjunction with other law enforcement agencies and the City of Rochester to reduce the homicide and violent crime rate, and to curb gang-related violence
- Secured funding for a Motor Vehicle Theft and Insurance Fraud Prosecution Program
- Continued the Joint Enforcement Team project with the Monroe County Child Support Enforcement Unit to increase the amount of child support payments collected in Monroe County
- Began implementation of the Road To Recovery program in conjunction with the New York State Office of Alcoholism and Substance Abuse Services

## 2005 Major Objectives

- Maintain the office's high level of successful felony prosecutions (96% in 2003)
- Bring 175-200 felony cases to trial
- Continue implementation of the Operation Impact and Ceasefire programs, secure funding for their expansion, and continue vigorous prosecution of gun possession crimes, felony drug sales and armed felony offenses
- Continue enhanced prosecution of all homicide and violent felony cases
- Continue Road to Recovery program
- Continue the PROJECT EXILE project in cooperation with the US Attorney's Office
- Continue to work with courts and police agencies at integrating Case Management Systems
- Re-fund and expand the Federally supported Community Prosecution Program
- Continue to seek out grant funding for new crime-fighting initiatives

## **BUDGET SUMMARY**

	<b>Amended Budget 2004</b>	<b>Budget 2005</b>
<b><u>Appropriations by Division</u></b>		
Administration	2,924,312	2,632,490
Clerical Support Services	609,639	597,199
Local Courts	1,420,922	1,181,644
Trial Division	1,376,195	1,676,287
Grand Jury Bureau	227,605	215,358
Investigations	1,185,269	1,121,402
Grand Jury Stenography	725,811	689,783
Appeals Section	816,127	776,060
DWI Prosecution	308,015	297,956
Child Abuse/Domestic Violence	536,575	513,783
Victim/Witness Program	267,233	263,122
*Drug Abuse Prosecution/Operation IMPACT	416,843	413,515
Aid to Localities	847,349	729,829
Capital Punishment Bureau	200,000	200,000
Elder Abuse Prosecution	71,368	71,817
*Gun Interdiction Program/Operation IMPACT	166,474	139,973
Community Prosecution Program	178,399	132,360
Community Gun Violence Prosecution	187,959	180,981
Road to Recovery Program	70,000	71,908
Vehicle Theft/Insurance Fraud Prosecution	142,549	126,528
Debt Service	7,549	7,592
<b>Total</b>	<b>12,686,193</b>	<b>12,039,587</b>
<b><u>Appropriations by Object</u></b>		
Personal Services	7,762,991	7,646,700
Expenses	995,388	777,538
Supplies and Materials	58,248	49,100
Debt Service	7,549	7,592
Employee Benefits	2,308,766	2,074,950
Interfund Transfers	1,553,251	1,483,707
<b>Total</b>	<b>12,686,193</b>	<b>12,039,587</b>
<b><u>Revenue</u></b>		
Grant Funding	1,699,028	1,414,172
State Aid for DA Salary	75,000	75,000
STOP-DWI Fines	115,500	102,371
Charges to Other Departments/Governments	480,800	480,800
Capital Punishment Bureau	200,000	200,000
<b>Total</b>	<b>2,570,328</b>	<b>2,272,343</b>
<b><u>Net County Support</u></b>	<b>10,115,865</b>	<b>9,767,244</b>

\*Operation IMPACT replaces the Drug Abuse Prosecution and Gun Interdiction grants and will be re-appropriated in 2005 as Operation IMPACT

## **BUDGET HIGHLIGHTS**

**Personal Services** reflects a decrease in funding as a result of cost reduction strategies. **Employee Benefits** reflects adjustments resulting from the 2004-2005 New York State budget and its treatment of retirement costs. **Expenses** reflects a decrease in telephone and computer leasing that are now budgeted in Information Services.

## **The Monroe County District Attorney's Office**

The Monroe County District Attorney's Office is charged with prosecuting felony and misdemeanor crimes and violations perpetrated against the citizens of Monroe County. With a staff of over 70 attorneys, the DA's Office is one of the largest law firms in Monroe County. Based on caseload (over 5,100 felony arraignments, and over 26,000 non-felony arraignments in 2003), the Monroe County District Attorney's Office ranks in the top ten offices in counties statewide.

The District Attorney is a constitutional officer elected to a four-year term as Chief Prosecutor for Monroe County. The work performed by the DA's Office is mandated by state law. The First Assistant District Attorney is appointed by the District Attorney and is responsible for general office administration, as well as overseeing all homicide prosecutions, evaluating each incident to determine the best prosecution strategies to insure a conviction, and assigning a number of such cases to other experienced Assistant District Attorney (ADAs) on staff based upon their individual strengths, and the intricacies of each case.

The office is structured into a number of specialized bureaus, with each bureau overseen by a bureau chief.

### **Major Felony/Gun Violence Bureau**

Prosecutes career criminals and violent felony offense categories of robbery, burglary, assault, rape, sexual abuse, and cases involving the use of firearms in the commission of a felony. In addition, the Major Felony Bureau Chief also supervises the ADAs assigned to two sub-units (the Project EXILE Program, and the Community Prosecution Program), and will also share supervision (with the Special Investigations Bureau Chief) of the Operation IMPACT Program (described below.)

The ADAs assigned to **Project EXILE** specialize in prosecuting felonies involving the illegal possession and sale of firearms, and work with the US Attorney's Office to prosecute some of these cases in Federal Court in order to obtain longer prison sentences than State Courts may allow. In 2004, a part of this effort will be incorporated in the Operation IMPACT Program. The **Community Prosecution Program's** two ADAs (one part-time, and one full-time) work directly with police and community groups on neighborhood-based grass roots crime prevention and prosecution issues. Offenders who are identified as being especially disruptive to the target neighborhood's quality of life due to drug dealing and gang-related violence are then prosecuted by one of the ADAs assigned to the project in order to provide continuity.

### **Special Investigations Bureau**

Prosecutes all felony drug possession and sale cases, obtains court orders for wiretaps when required, and works with arresting agencies to seize the assets of convicted drug dealers. Also responsible for initiating the majority of the Asset Forfeiture cases in which the District Attorney's Office has a claim. Beginning in 2004, the Special Investigations Bureau Chief shares responsibility with the Major Felony Bureau Chief in supervising the prosecution component of the Operation IMPACT program, described below.

### **Operation Impact**

Beginning in 2004, ADAs assigned to the Major Felony and Special Investigations units began working together with the Rochester Police Department, Monroe County Sheriff's Office, New York State Police, United States Attorney's Office, Probation Department, Parole Office, Mayor's Office and other agencies in a comprehensive effort to reduce homicides, street violence, and related drug trafficking. The implementation of this program involved restricting and eliminating plea bargaining on armed violent felonies, gun possession cases and drug dealers and instituting other changes to keep felons in custody while cases are pending. This initiative has resulted in a reduction in homicides through the first half of 2004, as well as a reduction in all gun-related crimes.

### **Domestic Violence Bureau**

Prosecutes all felony child abuse and domestic violence cases. ADAs assigned to this bureau also work closely with law enforcement, the Domestic Violence Consortium, and other interested community groups to prevent and reduce the incidence of domestic violence. The Domestic Violence Bureau Chief also supervises the ADA assigned to Elder Abuse Unit in cases where the victim is age 65 or older and has been subjected to abuse by a relative.

## **DWI Bureau**

Prosecutes all defendants charged with felony DWI, vehicular assaults and homicides, and related cases (Aggravated Unlicensed Operation of a Vehicle for example).

## **Economic Crime/Superior Court Bureau**

Economic Crime ADAs prosecute cases of major fraud (generally involving amounts of \$10,000 or more) on the part of individuals, businesses, or their employees. They also investigate and prosecute county-wide check fraud schemes, all cases of felony insurance fraud, Welfare fraud, bank robberies not involving the use of firearms, and work with the County Child Support Enforcement Unit to identify and prosecute child support delinquency cases. Superior Court ADAs prosecute non-violent felony burglary cases, grand larceny, felony criminal mischief, and fraud cases not prosecuted by the other more specialized bureaus. A new sub-unit of this Bureau began targeting the twin problems of motor vehicle theft and auto insurance fraud through a grant from the State of New York beginning in 2004. The Economic Crimes Bureau Chief also shares supervision of the Elder Abuse unit with the Domestic Violence Bureau Chief in prosecuting non-violent felonies with victims who are aged 65 and over.

## **Grand Jury Bureau**

Grand Jury administrative staff assist all felony attorneys in scheduling cases for Grand Jury presentation, and work with the Office of the Commissioner of Jurors to ensure the smooth operation of the several Grand Juries that are empanelled each court term in Monroe County. The ADA who supervises the bureau also advises prosecutors on presentation procedures and techniques, and coordinates the work of Grand Jury Stenographers, as well as personally presenting hundreds of cases to the Grand Jury each year.

## **Local Courts Bureau**

Prosecutes all misdemeanors and violations in city, town, and village courts, and handles traffic matters in the village and town courts. Those assigned to this Bureau staff eight City Courts, and twenty-four Town and Village Courts, as well as Drug Court and the Integrated Domestic Violence Court. The ADAs assigned to the Local Court Bureau prosecuted over 26,000 misdemeanors and violations in 2003, as well as overseeing the majority of City Court felony arraignments.

## **Appeals Bureau**

Responds to all appeals made in felony cases, and makes appellate motions on behalf of prosecutors assigned to the other bureaus. Also handles all fugitive matters, extradition cases, Federal Habeas Corpus requests, and Freedom of Information Act inquiries. Attorneys argue cases before all appellate courts, including the US Supreme Court. Appeals Bureau ADAs also work with and advise prosecutors during trial when legal issues arise which may effect the ultimate disposition of a case.

## **Victim Witness Unit**

Works with victims of serious felonies, helping them cope with the demands of the criminal justice system. Makes referrals to counseling, arranges rides to and from court, provides interpreters when needed, assists in preparation of victim impact statements, and referrals for assistance from the NYS Crime Victims Board. Staff also works with ADAs and Probation staff to obtain court orders for restitution for losses.

## **District Attorney Investigators**

Locates additional witnesses to enhance the prosecution of cases, interviews witnesses, transports victims and witnesses to court appearances. Also undertakes sealed investigations under the direction of ADAs, and provides assistance to other police and government agencies in arson and child support delinquency investigations. In 2003, investigators assigned to this unit served over 23,000 subpoenas involving witnesses in felony case prosecutions (including material witness orders), and helped to locate over 1,100 victims and witnesses.

## **Administration/Support Services**

Manages DA budget, undertakes grant writing and grant management, oversees personnel procedures, provides all clerical support, data entry, and other support services as required.



## **Performance Measures**

	<b>Actual 2003</b>	<b>Est. 2004</b>	<b>Est. 2005</b>
Local Courts Division			
Felony Intake	5,197	5,100	5,150
Non-Felony Arraignments	26,529	27,400	27,450
Misdemeanor Trials	294	290	295
Misdemeanor Convictions	10,033	10,535	10,550
Total Misdemeanor Dispositions	15,244	16,000	16,050
Misdemeanor Conviction Percentage	66%	66%	66%
Trials Division			
Trials	114	128	140
Pleas/Waivers	1,616	1,962	1,980
Dismissals/Acquittals	37	38	35
Other Dismissals	27	20	30
Total Felony Dispositions	1,794	2,148	2,175
Conviction Percentage	96%	97%	97%
Dismissal/Acquittal Percentage	4%	3%	3%
Major Felony Intake/Trials	1,094/55	1,095/60	1,095/75
Homicide Intake/Trials	41/28	30/30	30/30
Grand Jury Division			
Indictments	740	1,200	1,200
No Bills/Returns	1,217	910	910
No Cause for Action	44	50	50
Total Presentations	2,001	2,160	2,160
Investigations Division			
SIB Felony Cases Screened	964	1,000	1,000
Indictments	124	165	165
Felony Convictions	389	450	450
Felony Dispositions	402	465	465
Felony Conviction Percentage	97%	97%	97%
Economic Crime Intake	300	315	315
Economic Crime Felony Dispositions	136	175	175
Transports: Victims/Witnesses	1,379	1,450	1,600
Locates: Victims/Witnesses	1,107	1,200	1,325
Personal Service Subpoenas	14,517	17,850	19,000
Total Subpoenas	23,100	25,500	27,000
Miscellaneous Requests	62,212	65,000	68,000
Appeals Division			
Briefs Filed/Miscellaneous Motions	638	650	650
Habeas Corpus	48	50	50
Extraditions	79	80	80
Coram Nobis	85	90	90
Miscellaneous Actions	916	1,000	1,000
DWI Division			
New Felony Cases Screened	555	575	575
Indictments	89	125	125
No Bills/Returns	115	75	75
Trials	1	16	16
Pre-Trial Diversions	79	75	75
Waivers/Pleas	294	310	310
DWI/DWAI Arrests	2,650	2,800	2,800
Felony Conviction Rate	99%	99%	99%

	<b>Actual 2003</b>	<b>Est. 2004</b>	<b>Est. 2005</b>
Child Abuse/Domestic Violence Division			
Indictments	87	125	120
Felony Dispositions	146	200	195
Trials	27	25	25
Conviction Percentage	88%	95%	93%
Victim-Witness Unit			
New Victims Receiving Services	755	800	825
Witnesses Receiving Services	823	910	1,000
Notifications/General Information Services	26,585	30,000	30,000
Parole Notification/Documentation	425	400	425
Gun Interdiction Program			
Cases Screened	244	235	225
Felony Convictions	84	120	110
Misdemeanor Convictions	18	15	10
Federal Intake	105	94	95
Elder Abuse Prosecution			
Felony Cases Screened	101	95	95
Felony Convictions	27	55	55
Total Cases Closed	84	95	95